

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

ANTONIO BANKS,)	
)	
Petitioner,)	4:10CV3162
)	
v.)	
)	
SCOTT FRAKES, Director of)	ORDER
the Nebraska Department of)	
Corrections,)	
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Filing No. [70](#)). On July 15, 2016, the Court dismissed plaintiff's claims and entered judgment against him (Filing No. [67](#) and Filing No. [68](#)). On August 11, 2016, plaintiff filed a timely notice of appeal of the judgment (Filing No. [69](#)). Plaintiff has previously been granted leave to proceed IFP in this matter (Filing No. [7](#)).

As set forth in Federal Rule of Appellate Procedure 24(a)(3):

(a) Leave to Proceed in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further

authorization, unless the district court -- before or after the notice of appeal is filed -- certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.

The Court finds that plaintiff may now proceed on appeal in forma pauperis without further authorization.

IT IS ORDERED:

1) Plaintiff's motion for leave to proceed in forma pauperis on appeal is granted.

2) The clerk of the court shall process the appeal and shall provide the Court of Appeals with a copy of this order.

DATED this 18th day of August, 2016.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court